



DMCJA Board of Governors Meeting
Friday, February 13, 2015, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office

MEETING MINUTES

Members Present:

Chair, Judge David Steiner
Judge Ahlf
Judge Burrowes
Judge Gehlsen
Judge Jahns
Judge Marinella
Judge Meyer
Commissioner Noonan
Judge Olwell
Judge Ringus (non-voting)
Judge Robertson
Judge Smith
Judge Staab
Judge Svaren

Guests

Shirley L. Bluhm, Esq., WSAJ
Judge Harold Clarke III
Ms. Deena Kaelin
Judge Steve Rosen

AOC Staff:

Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Mr. Dirk Marler

Members Absent:

Judge Garrow (non-voting)
Judge Jasprica (non-voting)
Judge Lambo (non-voting)

Judge David Steiner, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:32 PM. All attendees were asked to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the December 12, 2014 Board Meeting Minutes, which contain amendments by Judge Heller. M/S/P to approve the Board Meeting Minutes dated January 9, 2015.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Ahlf informed the Board that he added the DMCJA/SCJA Sentencing Alternatives as a new line item to the DMCJA 2014-2015 Budget. The Board did not have to vote for the addition.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Marinella reported a balance of forty seven thousand five hundred sixty three dollars and twenty five cents (\$47, 563.25), which reflects the Special Fund amount after a check in the amount of one thousand dollars (\$1000) was paid to Melanie Stewart, Esq., DMCJA Lobbyist.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer informed of the status of DMCJA proposed bills and bills of interest during the 2015 Legislative Session. First, he spoke of DMCJA proposed House Bill (HB) 1328, which would increase the district court jurisdictional limit from seventy-five thousand dollars (\$75,000) to one hundred thousand dollars (\$100,000). This bill and its companion, Senate Bill (SB) 5125, were co-opted under HB 1248 to include mandatory arbitration, which caused the DMCJA bills to stall. Ms. Stewart, DMCJA Lobbyist, spoke with SB 5125 sponsor, Senator Mike Padden, regarding the DMCJA sole interest to increase the jurisdiction limit, which caused the bill to pass through the Senate Committee. Further, DMCJA proposed SB 5126 regarding employment security department subpoenas is dead in the water because it would violate federal law. DMCJA proposed HB 2097 regarding the authority for courts of limited jurisdiction (CLJ) to charge jury fees has now been sponsored.

Second, Judge Meyer reported on the status of bills of interest to the DMCJA, which include HB 1061, which adds an additional judge for Skagit County District Court, HB 1305, which relates to the establishment of Therapeutic Courts, HB 1028, which requires cities and counties to provide security for their courts, HB 1390, which relates to legal financial obligations (LFO), HB 1276, which relates to impaired driving, HB 1282, which relates to driving while license suspended for failure to pay child support, HB 1943, which relates to electronic home monitoring (EHM), and Senate Bills 5980 and 5982, which relate to judges' retirement plans. Regarding HB 1061, the bill passed through the House Committee. Judge Finkle testified before the Legislature for HB 1305 and its companion bill, SB 5107, passed through the Senate Committee. Further, Judge Meyer informed that it was a victory to receive a hearing on the court security bill, HB 1028, for which Judge Gehlsen testified before the Legislature. Judge Meyer further reported that the Public Disclosure Commission (PDC) Bill, HB 1397, exempts judges from providing their home addresses, which the newspaper lobbyist opposed. The bill passed unanimously out of the House Committee. Judge Meyer then reported that the EHM bills, HB 1943 and SB 5766, provide both public and private EHM. The DMCJA, via its Executive Legislative Committee, opposes HB 1943 because aspects of the bill ruin judicial discretion. The DMCJA, however, supports SB 5766, which lays out standards and parameters for EHM. Judge Meyer also informed that LFO bills, HB 1390 and its companion SB 5713, have had movement in the Legislature. Representative Roger Goodman has taken on the issue, which includes indigency standards at sentencing. Judge Meyer attended meetings with Superior Court Judge Steve Warning to help craft legislation that would relieve the burden of LFOs. Judge Meyer further reported that Judge Glenn Phillips has participated in a Work Group regarding HB 1276, which concerns impaired driving. House Bill 1282 provides for driving while license is suspended for the failure to pay child support. The DMCJA prevented add-ons for infractions regarding bills of interest. Judge Meyer then reported that SB 5980 and SB 5982, which relate to judges' retirement plans, were introduced on the date of the Board meeting. Judge Meyer recommended that the DMCJA coordinate with the Board for Judicial Administration (BJA) and oppose these retirement bills. Lobbying services for retirement issues is funded by the DMCJA Special Fund. Judge Meyer also informed that the DMCJA Legislative Committee will host its annual Reception on Friday, February 20, 2015.

2. *Rules Committee*

Judge Robertson reported that she has drafted a letter for Judge Steiner to sign regarding Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 2.1, which was provided to the Board. Judge Robertson further informed that she attended a Washington State Bar Association (WSBA) meeting in which Criminal Rule (CR) 26 regarding Discovery was discussed. Judge Robertson noted that the DMCJA has supported it in the past. The Washington Association of Prosecuting Attorneys (WAPA) also supports the Rule. Additionally, there is interest to change Evidence Rule (ER) 1101, which relates to juveniles in the commitment process. Judge Robertson further informed that there is a new proposal for judicial evaluations that would be statewide.

Trial Court Advocacy Board (TCAB)

Judge Steiner reported that the TCAB met and discussed their logo, which is not too suggestive of the trial courts. Further, the TCAB motto is in the Celtic language and translated to mean, "No strength without unity." The TCAB discussed how to advocate for better court budgets and how to get legislative interest by starting conversations with the notion that judges are interested in improving the courts and would like legislators' suggestions. This approach is set to start in the summer. Judge Marinella informed that the TCAB is getting the trial court associations' legislative committee chairs and lobbyists together to discuss how to best advocate for the courts. Judge Robertson reported that the Court Security Rule has been drafted with some amendments. The revised draft of the Court Security Rule contains non-substantive revisions and will be placed as an action item on the March 2015 DMCJA Board agenda.

JIS Report

Ms. Cullinane reported that members of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Court User Work Group (CUWG) have been working hard and are about to embark on the future state of the CLJ-CMS Project. The project will not be able to continue in the next biennium without funding, therefore, for those judges interested in speaking with their local legislators about the project, Ms. Cullinane offered a template for letters to send to legislators, and a one-page information sheet that judges may provide to legislators. Ms. Cullinane further reported that it's easier and faster to get on the vehicle related violations (VRV) system, and using it saves manual input for courts with red light or speeding cameras, or other automated parking systems. There are no courts waiting in line to get on VRV, so judges should consider getting on it, and spread the word to their colleagues. Ms. Cullinane also reported that it's now possible for courts to receive copies of their etickets to feed into their document management systems. It may take a little longer to get onto that system than it does to get on VRV. She further reported on the AOC destruction of records project, which will start destroying electronic records in a couple of months, beginning with pilot courts, and then moving court-by-court alphabetically. She clarified that this part of the project will only destroy infractions. It is the next phase of the project that will destroy certain non-conviction records. Ms. Cullinane responded to a concern regarding recent instances of Judicial Access Browser System (JABS) being unavailable. She explained that those were not JABS outages, they were due to the entire intergovernmental network (IGN) being down. She explained that if judges have another way of accessing the internet, they can use the JABS link to access JABS when the IGN is down. Mr. Marler informed that when this happens, the Washington Supreme Court, AOC, and other state agencies also do not have internet access. Judge Rosen suggested the DMCJA President provide the entire DMCJA membership with a link to route to when JABS is down.

LIAISON REPORTS

SCJA – Judge Harold Clarke, Superior Court Judges' Association (SCJA) Representative, informed that Judge G. Scott Marinella is the new DMCJA Representative to the SCJA. Judge Clarke further reported that the SCJA has proposed a pay raise of four point two percent (4.2%) to the Salary Commission, which is to be prospective only. Judge Clarke further informed that no bill regarding judges' pensions has been introduced but a bill is expected, and, could be introduced at the end of the 2015 Legislative Session. Judge Clarke further reported on a financial bill, which may get caught up in a rush during Session. There is a push for a salary increase for all state employees. Judge Clarke further mentioned that on March 7, 2015, the Diversity Judicial Institute will host a boot camp regarding how to run for or become appointed to the bench. Judge Clarke further reported that the County Clerks sponsored a bill regarding courthouse facilitators for guardianships, which would be a county-by-county bill. The SCJA will not support any bill that increases mandatory fees. Judge Clarke reported that the SCJA discussed HB 1248, which not only increases the District Court jurisdictional limit but also includes mandatory arbitration, and informed that the SCJA has some concern that any jurisdictional increase bill would be tied to mandatory arbitration, which the SCJA would not support. The SCJA, however, does support an increase in the district court jurisdictional limit from seventy five thousand dollars (\$75,000) to one hundred thousand dollars (\$100,000).

AOC – Mr. Dirk Marler, Administrative Office of the Courts (AOC) Representative, reported that several courts in Washington State and around the country have reported various types of scams. The Court Management Council, which will partner with the National Center for State Courts, is working on posters and communications to improve public awareness. Mr. Marler also encouraged judges to contact the AOC if they receive suspicious access to court records, GR 31, requests.

BJA – Judge Ringus, Board for Judicial Administration (BJA) Representative, reported that on Thursday, February 19, 2015, the BJA will co-host a reception for Legislators. The BJA will discuss approved GR 31.1 forms at its next meeting. The BJA is also looking at appellate judicial evaluations and whether they should recommend judicial evaluations. Judge Ringus further mentioned the BJA legislative agenda regarding Washington Counties and issues relating to both district courts and superior courts.

WSAJ – Ms. Bluhm represented the Washington State Association for Justice (WSAJ) at the Board meeting.

MCA – Ms. Deena Kaelin, Misdemeanor Corrections Association (MCA) Representative, informed that the MCA grant request has been withdrawn because proper protocol had not been followed. Ms. Kaelin further reported on MCA functions, such as membership dues, frequency of Board meetings, the long-term commitment of the Vice-President, nomination committees, training, and legislation.

ACTION

DMCJA Conference Registration Fee Payment for Members in Good Standing

M/S/P to pay up to two hundred forty dollars (\$240) of the 2015 DMCJA Spring Conference registration fee for members in good standing.

Request for Project Support from Committee to Address Racial Minority Juror Participation

M/S/P to send out surveys and encourage courts to participate in a project to address racial minority jury participation.

DISCUSSION

A. DMCJA Conference Registration Fee Payment for Members in Good Standing

M/S/P to make this an action item. Judge Steiner informed that the Board has an annual vote regarding whether to pay the Spring Conference registration fee for DMCJA members in good standing. Judge Svaren provided that the fund balance had grown in recent years and, therefore, it was suggested to use the money to pay registration fees for DMCJA members in good standing.

B. Supreme Court Annual Meeting Request with DMCJA

The Board discussed Chief Justice Barbara Madsen's request for a joint meeting with the SCJA and the DMCJA. The Board agreed to accept the invitation. Judge Steiner will provide more information and arrange the meeting. The Board agreed to have the meeting on the same date as regular Board meetings.

C. Request for Project Support from Committee to Address Racial Minority Juror Participation

M/S/P to make this an action item. Judge Rosen requested the Board support a survey project that would address the racial disproportionality of Washington State juries. The Board informed Judge Rosen that the following CLJs draw from the same jury pool as superior courts: (1) Spokane, (2) Benton, (3) Thurston, (4) Yakima, and (5) Pierce. Survey forms are similar to U.S. Census forms.

D. Misdemeanor Corrections Association Grant Request

Ms. Kaelin informed that the grant request has been withdrawn.

E. Recall Petitions Against CLJ Judges

Judge Jahns informed that a demand was presented to a Kitsap County Auditor for a recall election of a Kitsap County Judge. The issue involves whether a 1912 constitutional law is effective in light of the 1980 constitutional enactment of the Commission on Judicial Conduct (CJC). The Board decided to watch the issue and to make it a discussion item for the March 2015 Board meeting.

F. Electronic Law Enforcement Interface for Acquisition of Search Warrants (ELIAS) Warrant Project Update

The Board determined that DMCJA Representatives on the Washington Traffic Safety Commission eWarrants Initiative Work Group (Work Group) may continue to participate with the Work Group because a DMCJA letter sent to Detective Leyba only stated that the Board will offer no comments regarding the ELIAS Project Charter.

INFORMATION

Judge Steiner provided an update on the health status of his son and Mr. Doug Haake, former AOC staff for the DMCJA. The Board then discussed the logistics of the 2015 Board Retreat at the Enzian Inn and Spring Conference at the Skamania Lodge. More details for both events will be provided in the coming months.

ADJOURNED at 2:40 pm.